

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

February 18, 2004

ORDER MODIFYING  
FILING REQUIREMENTS

BANGOR GAS COMPANY  
Petition for Approval  
to Provide Gas Service  
in the Greater Bangor Area

Docket No. 97-795

BANGOR GAS COMPANY LLC,  
Request for Waiver of the  
Requirements of Chapter 830

Docket No. 2001-287

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this order we modify Bangor Gas, LLC's Progress Report filing requirements as prescribed in the June 26, 1998 Order Approving Rate Plan.

**II. BACKGROUND**

On February 4, 2002, Bangor Gas, LLC., sent a letter to the Commission requesting the reduction or consolidation of several of its reporting requirements in order to make the process more efficient, easier on the Company and the Commission to administer, and to reduce the paperwork involved. Bangor Gas's request specifically addressed the following filings: the Annual Progress Report (Docket No. 1997-795), the System Expansion Reports (Docket No. 98-706), and Promotional Programs (Chapter 830 and Docket 2001-287).

By Order issued on January 6, 2004 in Docket No. 98-706, System Expansion Reporting for Authorized Natural Gas Local Distribution Utilities, the Commission reduced the filing requirements for all gas utilities by eliminating one of the semi-annual filings.<sup>1</sup> Therefore, we will now turn our attention to the Bangor Gas Progress Reports.

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<sup>1</sup> The System Expansion Reports are now due once a year on April 1.

### III. ANALYSIS AND DECISION

#### A. Annual Progress Report

In its Order Approving Rate Plan issued on June 26, 1998 in Docket No. 97-795, the Commission required Bangor Gas to file an Annual Progress Report on October 1 of each year that contained the following information:

- distribution facilities constructed within the past calendar year
- any correspondence with the USDOT Office of Pipeline Safety
- the total number of customers in each rate class being served
- the number of new customers in each rate class added in the most recent calendar year
- the number of customers in each rate class receiving unbundled service
- a description, including marketing materials, of all promotional programs implemented in the prior calendar year

The Commission recognized that the content of this filing might need to be reviewed over time and reserved the ability to modify these requirements as appropriate. See Order Approving Rate Plan, Docket No. 97-795, at 21, n. 11.

With regard to Bangor Gas's request, we agree that it is beneficial to reduce regulatory requirements when possible, especially when redundancies are identified. After our review of all of the information currently filed by Bangor Gas in the Progress Report, the System Expansion Report, the Annual report, and other sources, we have determined that adequate information will be available to the Commission if we modify the Annual Progress Report as follows:

1. The Annual Progress Report will be due on April 1 of each year and may be consolidated with the System Expansion Report;
2. Bangor Gas will no longer be required to file any correspondence with the USDOT Office of Pipeline Safety (OPS) as we already receive or have access to this information in our position as Designated Agent for OPS. If, however, at any time in the future, the MPUC is no longer the designated agent for OPS, we may reexamine this requirement and may

ask Bangor Gas to provide such information, perhaps in the form of an annual summary of any pending issues with the OPS; and

3. Bangor Gas may refer to material, such as promotional materials, that the Progress Report requires if already included in the Annual Report.

B. Promotional Programs and Materials

In the May 14, 2001 Order, we allowed Bangor Gas to offer promotional programs without prior Commission approval. We required Bangor Gas to file a rate schedule describing each program with its terms and conditions of service and to comply with the reporting requirements of Chapter 830 of our Rules. Chapter 830 Section 2(A) requires utilities to have on file for inspection by the Commission its institutional and promotional advertising. A page of the gas Annual Report filed with the Commission is provided for gas utilities to provide information relating to promotional programs as specified by Chapter 830. As noted earlier, in Docket No. 97-795, we also required Bangor Gas to file a description, including marketing materials, of all promotional programs implemented in the prior calendar year as part of its Annual Progress Report, which is distributed to gas Staff and Commissioners.

As established in Chapter 830, the Commission should have available for its review any new promotional materials that may be given to current and potential customers of any utility. Consequently, we will continue to require that Bangor Gas file a description, including marketing materials, of all promotional programs implemented in the prior calendar year in its Chapter 830 filing included in its Annual Report filed with the Commission. Non-confidential portions of this Report are made available to the public upon request. We also require Bangor Gas to include in its Annual Progress Report a description of any new programs and a copy of actual promotional materials or a reference to any materials if included in the Annual Report.

#### IV. CONCLUSION

We modify Bangor Gas's annual filing requirements as described above to be effective with the April 1, 2004 filing.

Dated at Augusta, Maine, this 18<sup>th</sup> day of February, 2004.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.